

REMARKS

Claims 1-9 are pending.

Claims 1,2,4,6,8,9 stand rejected for indefiniteness.

Claims 1-7 stand rejected for obviousness v. Rhee in view of Coughlin.

Claims 8,9 stand rejected for obviousness v. Rhee in view of Coughlin in further view of Taylor.

In view of Examiner's rejections for indefiniteness and for obviousness, Claims 1-9 are currently amended to clarify the nomenclature of the present invention and to clarify differences between this application and the cited references so as to put the claims in condition for allowance.

Basis:

With the exception of one new item, retainer 92, all other items were previously identified in the disclosure and drawings, only the nomenclature has been modified to clarify the function and the relationship between elements of the instant invention. The retainer 92, was previously shown in FIG. 1, 3-5, but was not identified with an item number.

The claims are revised for clarity, no new matter has been added.

The functional limitation that the base frame remains always in full contact with the ground was previously illustrated in FIG 1,3, and disclosed in original para. 21.

In response to the Office Action:

Regarding Item 2, the rejection to Claims 1,2,4,6,8,9 for indefiniteness:

Claim 1 and the dependent claims are currently amended to correct antecedent basis, and to more clearly describe the instant application.

Reconsideration of the objection is respectfully requested.

Regarding Item 4 the rejection of claims 1-7 for obviousness v. Rhee in view of Coughlin:

Obviousness rejection requires that the cited references, in combination, contain *all* of the elements and limitations of the instant invention. In addition there must be a “clear and particular” suggestion to combine the references in a manner that would produce the instant invention.

Applicant respectfully submits that the combination of Rhee in view of Coughlin does *not* have all the elements and limitations of the instant invention, and therefore does not meet the threshold requirements for an obviousness rejection of the instant invention. In addition, an adequate suggestion is lacking.

While Rhee discloses a tilting golf bag having some of the elements and features of the instant invention, however, Rhee does not disclose or suggest, for example:

a tilt control body with

a notch,

a retainer, and

a release shank with a protrusion, which disengages the retainer from

an engaging body fastened to the front side of the lower frame, having

a retainer projection in the upper portion,

a release projection in the lower portion, and

an open space inbetween to accommodate the retainer.

In addition, Rhee does not meet the functional limitation of the instant invention that the bag bottom stay in *full contact* with the ground when tilted. In Rhee, the bag bottom lifts off the ground when the bag is tilted, as shown in Fig. 3. This is a non-trivial difference since stability when tilted is an important element of the instant invention.

Examiner notes that Rhee does not disclose the tilting device elements of the instant invention, but refers to Coughlin as “teach[ing] the above limitations”.

Applicant does not see how this can be so, much less be obvious.

First, for the record, Coughlin discloses a pipe wrench, which is non-analogous art with respect to a golf bag.

Second, Coughlin does indeed have a moveable shank 12, although Applicant finds no apparent equivalents for the other elements listed above as being absent in Rhee, namely:

a tilt control body with
a notch,
a retainer, and
a release shank with a protrusion, which disengages the retainer from
an engaging body fastened to the front side of the lower frame, having
a retainer projection in the upper portion,
a release projection in the lower portion, and
an open space inbetween to accommodate the retainer.

Further, although Coughlin has a moveable shank 12, in what manner it might be functionally equivalent to the *release* shank of the instant invention is not clear to the Applicant. Firstly, the shank of Coughlin has a jaw with teeth for grasping a pipe, whereas the instant invention has a protrusion for pushing/releasing without gripping or grasping. Secondly, the shank of Coughlin is advanced by the turning of a threaded nut 18, whereas the release shank of the instant invention must be advanced by pressure against its lower portion from the ground. Applicant believes that it would be normally impossible to advance the shank 12 of Coughlin by pressure applied to its lower portion, in fact that's the whole idea of the threaded nut 18.

Applicant respectfully submits that Coughlin does not disclose the tilting device of the instant invention.

Since neither Rhee or Coughlin, individually, disclose the elements of the instant invention as listed above, Applicant respectfully submits that the combination of Rhee in view of Coughlin cannot have all the elements and limitations of the instant invention, and therefore does not meet the threshold requirements for an obviousness rejection of the instant invention. In addition, an adequate suggestion is lacking;

especially given the non-analogous art, a clear suggestion to combine in a manner so as to produce the instant invention is both strongly required and totally absent.

Reconsideration of the obviousness rejection of claims 1-7 is respectfully requested.

Regarding the rejection of claims 8,9 for obviousness v. Rhee in view of Coughlin in further view of Taylor:

Taylor is cited as contributing only the wrappage and the decorative cover, and therefore cannot supply the missing items of the base claims as noted above. If the base claim is not obvious, then the dependent claims are not obvious.

Reconsideration of the obviousness rejection of claims 8,9 is respectfully requested.

Applicant believes that this amendment answers all instances in which the Examiner rejected or objected, and that the amendment places all remaining claims in condition for allowance.

CONCLUSION

In view of the foregoing, Applicant believes all claims now pending in this application are in condition for issue. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (408) 358-0489.

Respectfully submitted,



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